

Troutman Pepper Locke LLP  
Bank of America Plaza, 600 Peachtree Street NE, Suite 3000  
Atlanta, GA 30308




troutman.com

**Mary Weeks**  
D 404.885.3634  
mary.weeks@troutman.com

Plaintiffs shall respond to Defendants' letter  
by February 28, 2025, stating their position  
with respect to a stay of the pending motions  
to dismiss.

**SO ORDERED.**

Dated: February 25, 2025  
New York, New York

  
**JENNIFER L. ROCHON**  
United States District Judge

February 24, 2025

Honorable Jennifer L. Rochon  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *Jaar v. Northern Genesis Acquisition Corp. et. al.***  
**No. 24-cv-02155 (JLR)**

Dear Judge Rochon:

In response to Your Honor's Order on February 18, 2025, the parties have met and conferred, and Defendants hereby provide their position on whether Defendants Northern Genesis Acquisition Corp.'s ("NGA") and Michael Hoffman's Motion to Dismiss the Amended Class Action Complaint, ECF 48, should be stayed during the pendency of The Lion Electric Co.'s bankruptcy proceedings, ECF 57.

As indicated telephonically to Plaintiffs' counsel on Friday, February 21, 2025, Defendants will agree that Defendants' Motion to Dismiss, while stayed as against Northern Genesis Acquisition Corp. and The Lion Electric Co., ECF 56, need not be stayed against the sole Individual Defendant served in this action, Michael Hoffman, up to and including the time that the Court shall render its ruling on Defendant Michael Hoffman's Motion to Dismiss, ECF 48. At that time, to the extent Defendant Michael Hoffman's Motion to Dismiss, ECF 48, is not dispositive as to the Amended Complaint against him, Defendants would request a conference with the Court to discuss whether a stay would be appropriate based on potential prejudice. Defendants reserve rights with respect to all arguments to be made at that time, as well as generally. Defendants did not—and do not and cannot—agree to alter this Court's stay of this action against Defendant NGA.

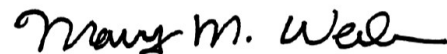
On February 24, 2025, Plaintiffs informed Defendants of their view that Defendants' Motion to Dismiss should be decided as-is, including as to NGA. However, as Defendants have informed Plaintiffs in response, as to Defendant NGA itself, NGA is shielded by both the Bankruptcy Code's Automatic Stay and the order issued by the United States Bankruptcy Court for the Northern District of Illinois, attached hereto as **Exhibit A**. Any request by Plaintiffs that the Court entertain any motion as to NGA or otherwise continue the pending action as against NGA would constitute a willful violation of the Automatic Stay and the Bankruptcy Court's order. See 11 U.S.C. § 362(a)(1) (the automatic stay prohibits "the commencement or continuation,

February 24, 2025  
Page 2

including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title"). As a matter of law, a knowing and willful violation of the automatic stay would render the violator liable to Lion Electric for actual damages, including attorney fees, caused by the violation. See 11 U.S.C. § 362(k) (person "injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees...").

Accordingly, Defendants request that the Court entertain Defendants' Motion to Dismiss only as to Mr. Hoffman, and specifically deny any request by Plaintiffs to alter or otherwise disturb the Court's stay of this action, the Automatic Stay, or this Court's order staying this action during the pendency of The Lion Electric Co.'s bankruptcy proceedings, ECF 57. Defendants reserve all rights with respect to any violations of the Automatic Stay or the Bankruptcy Court's order.

Respectfully submitted,

A handwritten signature in black ink that reads "Mary M. Weeks".

Mary M. Weeks

Enclosure

cc: All Counsel of Record (via ECF)